CONTRACT #8 RFS # 325.05-004-06

Department of Agriculture Division of Regulatory Services

VENDOR: Custom Data Processing, Inc.



Tennessee Department of Agriculture

Ellington Agricultural Center, Box 40627, Nashville, Tennessee 37204 615-837-5100 / FAX: 615-837-5333

Ken Givens Commissioner Phil Bredesen Governor

MEMORANDUM

RECEIVED

JAN 2 3 2006

GCM - FISCAL REVIEW

TO:

Commissioner Dave Goetz

Finance and Administration

FROM:

Commissioner Ken Givens

Department of Agriculture

DATE:

January 17, 2006

SUBJECT:

Request for non-competitive amendment to contract for services

This Department has contracted for an on-line computer service through a vendor since 1988. I am requesting a non-competitive amendment to the current contract, which expires on March 31, 2006 enabling an extension of the contract for a two-month period.

The March 31 contract termination date resulted from a one-year extension that our Department received last year. Over the past year, our information systems staff continued work on converting the contracted system into an in house browser based system. As the project evolved, complex programming issues were encountered and, due to scarce resources within the department's IT section, we were concerned that IT would not be able to complete the project while also continuing to support the ongoing needs in other areas of the department. The Department requested that OIR consultants evaluate the status of the programming project and provide a formal recommendation as to which direction the department should pursue on the computer system replacement. The OIR recommendation was that the in house project be placed on hold and that the department should develop a RFP and seek proposals from qualified vendors to replace our currently contracted system. The department immediately developed a RFP that was subsequently approved by both OIR and OCR. However, because the department did not notify possible service providers after the RFP was posted, the RFP was reissued on December 27, 2005 after establishing a comprehensive contact list of possible service providers. The RFP calls for an effective date of March 1, 2006, with a test implementation date of May 1, 2006 and a functioning implementation date of June 1, 2006. A non-competitive contract extension amendment of 2 months will allow us to continue establishment permitting, revenue collection, and inspection processing during the new program implementation time.

The required information as outlined in the Non-Competitive Amendment request is attached referencing the item numbers specified.

Thank you for your consideration of this request.

REQUEST: NON-COMPETITIVE AMENDMENT

RECEIVED

JAN 2-3 2006

FISCAL REVIEW

APPROVED	
	,
Commissioner of Finance & Administration	
Date:	

EACH	REQUEST ITEM BELOW <u>MUST</u> BE DETAILED OR ADDRESSED <u>AS RE</u>	QUIRED.								
1) RFS#	32-5.05-004-06									
2) State Agency Name :	Department of Agriculture									
	EXISTING CONTRACT INFORMATON									
3) Service Caption :	Provides on-line computer service including data maintenance, reporting, issuance of applications and permits, accounts receivable, invoice issuance and printing inspection forms for the programs of retail food store, food manufacturing, weights and measures and petroleum quality.									
4) Contractor:	Contractor: Custom Data Processing, Inc.									
5) Contract#	FA-00-13513-06									
6) Contract Start Date :		07-01-99								
7) <u>Current</u> Contract End Da	ite IF <u>all</u> Options to Extend the Contract are Exercised :	03-31-06								
8) <u>Current</u> Total Maximum	Cost IF <u>all</u> Options to Extend the Contract are Exercised :	\$322,500								
	PROPOSED AMENDMENT INFORMATION									
9) <u>Proposed</u> Amendment#		7								
10) <u>Proposed</u> Amendment E (attached explanation requ	iffective Date : lired if date is < 60 days after F&A receipt)	04/01/2006								
11) <u>Proposed Contract End</u>	Date IF <u>all</u> Options to Extend the Contract are Exercised :	05/31/2006								
12) <u>Proposed</u> Total Maximul	m Cost IF <u>all</u> Options to Extend the Contract are Exercised :	\$330,850								
13) Approval Criteria : Select one)	use of Non-Competitive Negotiation is in the best interest	of the state								
	only one uniquely qualified service provider able to provi	de the service								
14) Description of the Propo	sed Amendment Effects & Any Additional Service :									
The amendment to the con	tract would provide continued services from the provider for	r on-line computer service including								

inspection forms for the programs of retail food stores, food manufacture	ring, weights and measures and petroleum quality.
15) Explanation of Need for the Proposed Amendment :	
During the past year, our information systems staff has worked on coman in house browser based system. As the conversion project evolved and, due to scarce resources within the department's IT section, we we complete the project while also continuing to support the ongoing need Department requested that OIR consultants evaluate the status of the recommendation as to which direction the department should pursue or recommendation was that the in house project be placed on hold and seek proposals from qualified vendors to replace our currently contract RFP. However, because the department did not notify possible service reissued on December 27, 2005 after establishing a comprehensive list an effective date of March 1, 2006, with a functioning implementation extension amendment of 2 months will allow us to continue establishments and more than \$2,000,000 in revenue records.	ere concerned that IT would not be able to als in other areas of the department. The programming project and provide a formal on the computer system replacement. The OIR that the department should develop a RFP and the system. The department immediately issued a see providers after the RFP was posted, the RFP was set of possible service providers. The RFP calls for that of June 1, 2006. The requested contract the permitting, revenue collection, and inspection
16) Name & Address of Contractor's Current Principal Owner(s): (not required if proposed contractor is a state education institution)	
Custom Data Processing, Inc One West Harris Ave P.O. Box 2235 La Grange, Il 60525 Principal owner: Jack Marsden, Sr., President	
17) Documentation of Office for Information Resources Endorsement : (required only if the subject service involves information technology)	
select one: Documentation Not Applicable to this Request	Documentation Attached to this Request
18) Documentation of Department of Personnel Endorsement : (required only if the subject service involves training for state employees)	
select one: Documentation Not Applicable to this Request	Documentation Attached to this Request
19) Documentation of State Architect Endorsement: (required only if the subject service involves construction or real property	related services)
select one: Documentation Not Applicable to this Request	Documentation Attached to this Request
20) Description of Procuring Agency Efforts to Identify Reasonable, Co	mpetitive, Procurement Alternatives :
The department developed a RFP for computer services to replace the 2005. However, because the department did not notify possible service reissued on December 27, 2005 after establishing a comprehensive of RFP calls for a contract effective date of February 1, 2006, with a test functioning implementation date of June 1, 2006.	ce providers after the RFP was posted, the RFP was contact list of possible service providers. The current
21) Justification for the Proposed Non-Competitive Amendment:	
The department has pursued alternatives to the current system and vereceived from the RFP process. The new contract will have an effect reasonable time frame for the selected vendor to convert the system based system, the contract calls for a full implementation date of the current contract expires on March 31, 2006, we have a two-month gas feels that the most efficient way to solve this is to extend the current of	from a mainframe system to a windows browser critical modules on June 1, 2006. Because our in services that must be filled. The department
REQUESTING AGENCY HEAD SIGNATURE & DATE: (must be signed & dated by the ACTUAL procuring agency head as detailed	on the Signature Certification on file with OCR— signature

by an auth	orized signatory will be accepted only in documented e	xigent circumstances)	
	(alivi-	1/17/06	Y70'840sax
AGE	ncy Hearl Signature	/Date	



FAX TRANSMITTAL

TO:	Bill Ezell, Chief Executive Officer Office for Information Resources	FAX # 741-45							
FROM:	Jimmy Hopper, Director, Regulatory Services	FAX 837-5335							
DATE:	January 4, 2006								
RFS#	325.05-075-06.								
RE:	OIR Procurement Endorsement Documentation for — FA-00-13513-06								
•	NUMBER OF FAX PAGES (INCLUDING COVE	ER): 2							
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TENNESSEE DEPARTMENT OF AGRICULTURE



KEN GIVENS COMMISSIONER REGULATORY SERVICES

MEMORANDUM

TO:

Bill Ezell, Executive Director, Fiscal Administrative and Systems

Development

FROM:

Jimmy Hopper, Director - Regulatory Services

DATE:

January 4, 2006

SUBJECT:

Request for OIR Endorsement for Procurement

The Department has contracted with the same outside vendor since 1988 to provide computer services for our food program and later included programming and services for our weights and measures and petroleum programs. Last February the Department received approval to extend the contract for a period of one year (ending March 31, 2006) in order to bring the services in house. In the event that we were unable to bring the system in house, we would revert to developing a RFP and seek a qualified vendor for this service.

As the in house development of the browser system evolved, complex programming issues were encountered and, due to scarce resources within the department's IT section, we were concerned that IT would not be able to complete the project while also continuing to support the ongoing needs in other areas of the department. The Department requested that OIR consultants evaluate the status of the programming project and provide a formal recommendation as to which direction the department should pursue on the computer system replacement. The OIR recommendation was that the in house project be placed on hold and that the department should develop a RFP and seek proposals from qualified vendors to replace our currently contracted system. The department immediately developed a RFP that was subsequently approved by both OIR and OCR. However, because the department did not notify possible service providers, the RFP was reissued on December 27, 2005 after establishing a comprehensive contact list of possible service providers. The RFP specifies a contract effective date of March 1, 2006, with a test implementation date of May 1, 2006 and a functioning implementation date of June 1, 2006. A contract extension of 2 months will allow us to continue establishment permitting, revenue collection, and inspection processing during the new program implementation time.

We appreciate your consideration and please contact Vince Knox or myself if you need further information.

CC: Vince Knox, Information Systems Director Randy Jennings, Administrative Manager

RULE EXCEPTION

	APPROVED
	Commissioner of Finance & Administration Date:
/:	Agriculture
ГНЕ	EXCEPTION(S) REQUESTED

RFS# 325,05-003-06

STATE AGENC

INFORMATION ABOUT

SUBJECT RULE NUMBER(S):

"0620-3-3.7(5)" for an exception permitting a contract term greater than five (5) years

DESCRIPTION OF EXCEPTION(S):

The Department seeks a rule exception to permit a contract extension for an additional two (2) months.

JUSTIFICATION FOR EXCEPTIONS:

(compelling reasons for contracts rule exception; relevant background information; attach additional justification as necessary)

An extension request filed last year was based on the Department's intent to develop an in-house browser based system to replace our contracted system that serves the Retail Food, Weights & Measures, and Petroleum Quality program areas. The browser system was intended to be compatible with other program area systems being developed by our Information Systems staff. However, complex programming issues were encountered while developing the browser system and, due to scarce resources within the department's IT section, we were concerned that IT would not be able to complete the project while also continuing to support the ongoing needs in other areas of the department. The Department requested that the OIR evaluate the status of the programming project and provide a formal recommendation as to which direction the department should pursue on the computer system replacement. The OIR recommendation was that the in house project be placed on hold and that the department should develop a RFP and seek proposals from qualified vendors to replace our currently contracted system. The department immediately developed a RFP that was subsequently approved by both OIR and OCR. However, because the department did not notify possible service providers, the RFP was reissued on December 27, 2005 after a comprehensive contact list of possible providers was established. The RFP specifies a contract effective date of March 1, 2006, with a test implementation date of May 1, 2006 and a functioning implementation date of June 1, 2006. A contract extension of 2 months will allow us to continue establishment permitting, revenue collection, and inspection processing during the new program implementation time.

INFORMATION REGARDING THE APPLICABLE CONTRACT

DESCRIPTION OF SERVICE TO BE PROCURED:

The services to be porvided include data maintenance, report generation, renewal notification, permit printing and mailing, and accounts receivable for permits, registration, and penalties.

BEGIN DATE:

April 1, 2006

END DATE (including ALL options for term extension):

May 31, 2006

MAXIMUM LIABILITY (including ALL options for term extension);

\$330.850

AGENCY HEAD REQUEST SIGNATURE:

(signed by the procuring agency head or authorized signatory)

SIGNATURE DATE:

Proposed Amendment

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AMENDMENT Seven TO CONTRACT FA-00-13513-00

This Contract, by and between the State of Tennessee, Department of Agriculture, hereinafter referred to as the State, and Custom Data Processing, Inc., hereinafter referred to as the Contractor, is hereby amended as follows:

- 1. Delete Section B.1 in its entirety and insert the following in its place:
 - B.1 Contract Term. This Contract shall be effective for the period commencing on July 1, 1999 and ending on May 31, 2006. The State shall have no obligation for services rendered by the Contractor which are not performed within the specified period.
- 2. Delete Section C.1 in its entirety and insert the following in its place.
 - C.1 Maximum Liability. In no event shall the maximum liability of the State under this Contract exceed three hundred thirty thousand, eight hundred fifty dollars (\$330,850.00). The Unit Rates in Section C.3 shall constitute the entire compensation due the Contractor for the Service and all of the Contractor's obligations hereunder regardless of the difficulty, materials, or equipment required. The Unit Rate included, but are not limited to, all applicable taxes, fees, overhead, profit, and all other direct and indirect costs incurred or to be incurred by the Contractor.

The other terms and conditions of this Contract not amended hereby shall remain in full force and effect.

IN WITNESS WHEREOF:	
CUSTOM DATA PROCESSING, INC.:	
	Date
Jack Marston, Sr., President	Date
DEPARTMENT OF AGRICULTURE:	
Ken Givens, Commissioner	Date
APPROVED:	
DEPARTMENT OF FINANCE AND ADMINISTRATION:	
DEPARTMENT OF FINANCE AND ADMINISTRATION	
	·
M. D. Goetz, Jr., Commissioner	Date
COMPTROLLER OF THE TREASURY:	
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John G. Morgan, Comptroller of the Treasury	Date

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State Age	ncy: Agr	iculture			Division: Regulatory Services						
		Contractor			Contractor Identification Number						
CUS	STOM DAT	A PROCESSING I	NC	:	X V 363022123-00						
				Service De	escription						
Computer	Services fo	or various regulato	ry programs for R	egulatory	Services					ontropic of the open	on assessment which
		Contract Begin I	Date				Contra	ct End D	ate		
. 07-0)1-99 Code			30-04	in an			oor woolds			
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CFDA#			•				Check th	e box Of	VLY if the a	nswer	is YES:
		State Fiscal Co	ntact			e Contract	or a SUBI	RECIPIE	NT? (per O)	ØB A-	
Name:	Casey F				133) Is the Contractor a VENDOR? (per OMB A-133) X						Х
Address: Phone:	Admin 615-837				Is the Fiscal Year Funding STRICTLY LIMITED?						
Proc	uring Agei	ncy Budget Office	er Approval Sign	ature	ls th	e Contract	or on ST,	ARS7			х
	^				Is the Contractor's FORM W-9 ATTACHED?						
	Pegg	Naifelin	4	· · · · · · · · · · · · · · · · · · ·	ls th	e Contrac	tors Form	W-9 File	ed with Acc	ounts?	х
	COMPLET	TE FOR ALL AME	NDMENTS (only)			Fundin	g Certifi	eation		
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		Amendmen	its .		appropria	tion from whi	ich this oblig	ation is rec	quired to be pa viously incurre	aid that is	
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Phone:	615-837		10-000a-112-6(N.M.			ls the	Fiscal Ye	ear Fund	ding STF	RICTLY LII	VITED?		
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	Current	Form W-9 On Fil	e With Accounts	A COLUMN	Name 1	C	indy Buchan	an			•
	OR			randarikan). Julian inte	Address		dmin Annex 15-837-5106				
	Form W	9 Attached			Phone	解别 技术的是	10-007-0100 MESMOTIME		nobeauch deise		
	Service	Provider Registe	red with F&A		// Pro	curing	Agency Bu	dget O	fficer Appro	/al Sig	nature
		tor is a SUBREC and by OMB Circ			ā	Lar	J# 1	Vex	willy		
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Contrac	t End Date	Prior Amend 6/30/01	6/30/02	LÝ	the appro	priation	n from which th	his oblig	gation is require ations previous	ed to be	paid that is
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Contrac	t Number	FA-00-13513	3-01 ≰			State Agency		Agriculture				
325.05-001						Agency Division Gendalow services OR Grendment Vendor ID Number						
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Custom	Data Proce	essing, Icn.					3022123-00					
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	Fiscal Ye	ar Funding Is	Strictly	Limited		CFDA Number						
	Contract	or is on STAR	s			State Fiscal Contact						
	OR	Form W-9 On I	ile With	Accounts		Name Cindy Buchanan Address Moss Annex Bldg. Phone (615) 837-5106						
				W. 50 A		Phone (615) 837-5106						
		rovider Regis	1			Procuring Agency Budget Officer Approval Signature						
		or is a SUBRE ed by OMB Cir				- Law D. Maxwell MV						
C	OMPLETE	FOR ALL A		IENTS (only	y)	Funding Certification						
Base C P				ONLY			Pursuant to T.C.A., Section 9-6-113, I, John D. Ferguson, Commissioner of Finance and Administration, do hereby certify that there is a balance in the appropriation from which this obligation is required to be paid that is not					
Contract	End Date	6/30/00	······································			otherwise e	ncumbe	ered to pay obli	igations	previously incu	rred.	
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⊠ OTHE	R CONTRACTING PARTY	(VENDOR): G	RANTEE:	VENDOR I.D. NUMBER:						
		A PROCESSING, INC	•	⊠V □C 363022123-00						
STATE A	GENCY: AGRICULTU	JRE		DIVISION: REGULATORY SERVICES						
			·	1						
	M CONTACT: JIMMY SUITE)/BLDG.: Porter I			FISCAL CONTACT: Cindy Buchanan FLOOR(SUITE)/BLDG.: Admin. Annex						
TELEPHO	DNE: 837-51	91		TELEPHONE: 837-5106						
ALLOTA			-	GRANT IS ON	GRANT SU	BGRANT CFDA				
325.0		OBJECT CODE	FUND 11	STARS YES	CODE	CODE NUMBER				
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